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Appl. No. 10/078,644
Species Election dated October 30, 2003
Reply to Office Action of September 30, 2003



Appl. No. : 10/078,644 Confirmation No.: 5294
Applicant : Alain Bouchard et al.
Filed : February 19, 2002
Title : TECHNIQUE FOR PRINTING A COLOR IMAGE
TC/A.U. : 2861
Examiner : Huan Huu Tran

Docket No. : 8540
Customer No. : 20349

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Commissioner for Patents
P.O. Box 1450
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SPECIES ELECTION

Sir:

This paper is in response to the Office Action mailed September 30, 2003 in the above-identified application for Letters Patent.

1. The Examiner has stated that the application contains claims directed to three patentably distinct species of the claimed invention. Each of the three species is specified in the Office Action. The Action further states that applicants are required under 35 USC § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants request reconsideration of this requirement for election of species. Whether to assert a species election in an application is not mandatory but rather is within the discretion of the United States Patent and Trademark Office.

Here, each of the three species identified by the examiner recites subject matter which is closely related to that of the other species. Under the circumstances, it would be beneficial to examine all the claims in this application.

It is therefore requested that the species election be reconsidered and withdrawn and further that all the claims in the application be examined together.

2. Nevertheless, in compliance with the requirement stated by the examiner, applicants hereby select the species recited as

(ii) a system, apparatus, computer program product and/or method, for enhancing a printed color image as perceived by a human viewer. The image is composed of a plurality of superimposed regular dot patterns upon a portion of a movable curved surface having two orthogonal spatial dimensions and having curvature in only one of those dimensions. At least one of said regular dot patterns is misregistered with respect to at least one of the other said patterns in directions only parallel to and perpendicular to a first direction.

The dot patterns are comprised of a plurality of dots being randomly positioned on said surface in only one of said dimensions and being regularly positioned along the other of said dimensions.

for examination on the merits. This election is made without prejudice to the right of applicants to file divisional applications to the non-elected species.

Claims 17, 18, 20 – 23, 40, 41, 43-46, 63-69 and 86-92 are readable on the elected species.

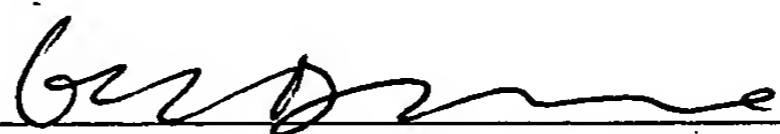
It should be noted here that claims 19 and 42 are not included in any of the three species defined by the examiner. These claims should be part of the elected species (ii) because they are dependent upon claims which are readable on the elected

Serial No. 10/078,644

species. It is therefore requested that claims 19 and 42 be examined together with the claims which are readable on the elected species.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 30, 2003


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